



**TOWN OF TEWKSBURY  
CONSERVATION COMMISSION  
999 Whipple Road  
Tewksbury, MA 01876**

Stanley Folta, Chairman  
Anthony Ippolito, Vice-Chair  
Sean Czarniecki, Clerk  
Stephen Deackoff  
Dennis Sheehan

**Meeting Minutes  
June 12, 2013**

The meeting was called to order at 7:00 PM at the Tewksbury Town Hall by Stanley Folta, Chairman. Present at the meeting were Stephen Deackoff (late arrival), Sean Czarniecki, and Dennis Sheehan. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary. Anthony Ippolito was not in attendance.

**Approval of Meeting Minutes – May 1, 2013**

**MOTION:** Mr. Czarniecki made the motion to approve the May 1, 2013 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 3-0.

**A) Non-Substantial Change Request, Town of Tewksbury, 320 Pleasant Street, DEP #305-892**

Present was Zachary Smalls of Heery International and Ann from Symmes, Maini and McKee. Mr. Smalls explained that they were before the Planning Board last Monday and approval was granted contingent upon the review and approval of the town engineer and the Planning Board's consulting engineer.

Mr. Folta noted that his main concern is the recommendations of the consulting engineer and whether he had any issues with the project moving forward. Mr. Smalls explained that there were no concerns. Ms. Costello explained that the consulting engineer was hired to review the drainage calculations and there were no issues to her knowledge. Mr. Boyd confirmed that he also spoke with the consulting engineer and town engineer and there were no issues.

Mr. Folta asked when the project will start. Mr. Smalls explained immediately upon the Commission's approval.

**MOTION:** Mr. Czarniecki made the motion to approve the non substantial change request, Town of Tewksbury, 320 Pleasant Street, DEP #305-892, as reviewed by the consulting engineer, reference shall be made to the plans dated May 29, 2013; seconded by Mr. Sheehan and the motion carried 3-0.

**B) Request for Determination of Applicability, New England Power Company, North of Old Main Street/Main Street**

Present was David Cowell of BSC Group on behalf of National Grid. Mr. Cowell explained that they filed a request for determination of applicability for the replacement of two utility poles; however the project is larger than just the poles. Most of the work falls under the electric utilities maintenance exemption at both the State and Town level. The two poles need to be replaced with larger foundations and exceeds the criteria of maintenance and therefore mandates the filing for a request for determination. For the A153 and the I161 line that runs through Tewksbury, Lowell, Chelmsford, Ayer, etc., the conductor on the top of the pole is being replaced and there is a list of structures that may need to be replaced which fall under maintenance. The two poles will be replaced with steel structures that require concrete foundations. Both poles are located within the buffer zone of the resource area.

Mr. Folta requested Mr. Cowell explain the construction process and means of protecting the resource area. Mr. Cowell explained that at these two locations they have provided specifics for sediment erosion controls; which will be installed around the perimeter between the work disturbance area and the wetland area and will be maintained throughout the construction period. Any excess excavated materials will be removed from the site. Mr. Cowell noted that the entire site will be subject to environmental inspection weekly. Mr. Folta requested the reports also be sent to Mr. Boyd and that he be kept up to date on the project as it progresses.

Mr. Sheehan requested silt socks be used rather than hay bales.

**MOTION: Mr. Czarniecki made the motion for a negative determination, New England Power Company, North of Old Main Street/Main Street, Mr. Boyd shall be kept up to date on the project as it progresses, silt socks shall be used rather than hay bales; seconded by Mr. Sheehan and the motion carried 3-0.**

**C) Notice of Intent, Town of Tewksbury, Long Pond Watershed, DEP #305-0953**

Present was Mr. Dan Coughlin of Coughlin Environmental. Mr. Coughlin explained that this project is being funded by a 319 Grant and involves the construction of approximately 28 BMP's at 19 locations. The purpose of the BMP's is to clean up some of the urban and roadway runoff prior to it getting to the streams and wetlands that are proximate to Long Pond. Long Pond has always had problems with nutrient removal and has gotten worse over the years. The purposes of the BMPs are to clean up the nutrients and overall flows. Many BMP's are located within the 25 foot buffer and improvements located within the 100 foot buffer.

Mr. Folta asked what the negative or positive impact to the wetlands will be. Mr. Coughlin explained that all of the locations that have been selected are areas where roadway runoff currently flows to the streams and wetlands. Currently these areas are susceptible to high rates of erosion and no filtration or treatment prior to the flows going into the pond and streams. The BMP's will slow the flow down. There are energy dissipation devices for the units and road swales that will slow the flow. The units have a soil and sand mix at the

bottom so that the water will absorb and flow down to the next BMP unit. The contact with the soil/sand mix allows for absorption of some of the nutrients and pollutants. Most of the units will also be vegetated. The rain gardens will have plants that have been selected based upon the nature of the rain garden and will absorb a lot of the nutrient flow. Mr. Coughlin noted that the units will have a positive impact on the pond and streams.

Mr. Boyd referenced an email that was received from DEP. Mr. Coughlin explained that he has the checklist for the storm water report which was inadvertently not included in the report. There is a hydraulic assessment included in the report which shows the amount of treatment that is being provided with each unit. Mr. Coughlin provided the members with a copy of the storm water checklist and the environmental specifications and noted that it will also be provided to DEP.

Mr. Czarniecki inquired about future operation and maintenance. Mr. Coughlin explained that the town will be responsible for the future maintenance. An "adopt a rain garden" program is also being put together and a more formal plan will be developed once the BMP's have been installed. The town is aware that they are responsible for the O&M under the grant. Mr. Boyd explained that he has spoken with the residents in the area and the BMP's are being placed on the properties of people who would like to maintain them.

Mr. Folta opened the hearing to the public and no one came forward to comment.

**MOTION:** Mr. Czarniecki made the motion to close the public hearing portion; seconded by Mr. Sheehan and the motion carried 3-0.

**MOTION:** Mr. Folta made the motion to issue a standard order of conditions, Town of Tewksbury, Long Pond Watershed, DEP #305-0953; DEP and the town shall be kept update on the status of the project as it progresses; seconded by Mr. Sheehan and the motion carried 3-0.

#### **D) Enforcement Order Rescind Request, Nancy Gentile, 110 Navillus Road**

Present was Nancy Gentile of 110 Navillus Road.

Mr. Boyd noted that he has visited this site and the area has been stabilized and meets the requirements of the order of conditions.

Mr. Folta explained that if any additional work is to be done Ms. Gentile would have to come back before the commission.

**MOTION:** Mr. Folta made the motion to rescind the enforcement order, Nancy Gentile, 110 Navillus Road; seconded by Mr. Sheehan and the motion carried 3-0.

**MOTION:** Mr. Folta made the motion to take a 5 minute recess; seconded by Mr. Czarniecki and the motion carried 3-0.

**E) Notice of Intent, Marc Ginsburg and Sons, 737 Livingston Street, DEP #305-952**

Present was Jim Hanley of Civil Design Consultants, Maureen Hanley of Norse Environmental Services, and the applicants Marc Ginsburg and Matt Ginsburg.

Mr. Hanley noted that the lot size is approximately 6.5 acres with approximately 8 feet of frontage. Norse Environmental performed test pits in May and everything outside of the wetlands is loamy sand. Mr. Hanley reviewed the various resource areas on the site including Marshall Brook, a flood plain at elevation 96 that runs parallel with the wetland line, and bordering vegetated wetlands, etc. The property is located in a heavy industrial district and has an existing single family home. There is a 12 foot round driveway that currently services this home. The applicant is proposing an open space residential design subdivision in compliance with Article 75 of the zoning bylaw. This allows for smaller lots with less frontage in exchange for more open space. The base density is four lots; one of which is existing. Mr. Hanley showed the areas that will be open space and explained that they are required to provide 50% open space and they are providing approximately 54%. The roadway is approximately 660 feet (45 feet wide) from Livingston to the cul-de-sac. There are 8 foot grass swales located on each side of the roadway. The drainage system has been designed in compliance with the storm water regulations.

Mr. Foltz referenced the letter from DEP dated June 10, 2013 and noted that they are calling for 5 lots, but there are really 4. Mr. Hanley explained that the proposal is for four lots; one of which is an existing home and three buildable lots.

Mr. Hanley explained that within the last week they have received two letters; one from Bill Manuell and another from DEP. Mr. Foltz requested Mr. Hanley address some of the issues in Mr. Manuell's letter.

Mr. Hanley reviewed the items in Mr. Manuell's letter which include items such as: requested 5 flags be adjusted and they have done so and are shown on the plan provided to the Commission tonight, considering other options of access which they have done during the conceptual design phase and they feel this is the best location as the home at 731 Livingston Street is not for sale and they would not be able to maintain the riverfront area. In addition, they feel the alignment with Chandler Street is important as this would produce a four way intersection. Mr. Manuell also requested they avoid riverfront area impacts where practical. Mr. Hanley explained that the initial plans that were submitted showed some impacts on Lot 3 as well as the existing home. They have revised the grading to remove any of the impacts from the buffer zones. Currently the only impacts inside the riverfront are for the roadway.

They have determined three areas for mitigation and restoration. Mr. Hanley showed these areas on the plan which include expanding the driveway into the infiltration basin, an area between Lot 2 and 3, and along the other side of the roadway. They are providing approximately 14,700 square feet of mitigation and restoration.

Mr. Hanley noted that approximately 153,000 square feet of open space will be transferred over to the town at the completion of the project.

Mr. Czarniecki asked if the pond is currently being used for water. Marc Ginsburg explained that there is currently a well; they intend to connect to town water and sewer as part of this project. Mr. Czarniecki noted that he has issues with the infiltration basin out letting into the 25 foot buffer. Marc Ginsburg explained that it was his understanding that this is allowed under the town's bylaws. Mr. Czarniecki explained that it is not currently allowed. Mr. Hanley explained that it was his understanding that the bylaw states that the Commission has the discretion for storm water management inside the 25 foot buffer. Mr. Czarniecki asked if there is any way they can keep it out of the 25 buffer. Mr. Hanley noted that this is something they can look at again. Mr. Folta asked if the calculations have been reviewed by the town. Mr. Ginsburg explained that they are currently under review with the town.

Mr. Deackoff arrived.

Mr. Folta suggested continuing this matter until a review letter is received from the consultant and the issues with DEP have been addressed.

**MOTION:** Mr. Folta made the motion to continue Notice of Intent, Marc Ginsburg and Sons, 737 Livingston Street, DEP #305-952 to June 19, 2013 at 7:05 p.m.; seconded by Mr. Czarniecki and the motion carried 3-0-1. Mr. Deackoff did not take part in this vote as he was not present for the entire discussion.

#### **New Business**

BMP Presentation, Todd Wakem

#### **Old Business**

There was no old business.

#### **Administrator's Report**

None

#### **Adjournment**

**MOTION:** Mr. Czarniecki made the motion to adjourn; seconded by Mr. Sheehan and the motion unanimously carried 4-0.

*Respectfully submitted,*

Approved:   
Sean Czarniecki, Clerk

7/17/13  
Date